

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

DEQUE SYSTEMS INC.

Plaintiff,

v.

Case No. 1:24-cv-00217-AJT-WEF

BROWSERSTACK, INC., and  
BROWSERSTACK SOFTWARE PVT. LTD.,

Defendants.

**DECLARATION OF RITESH ARORA IN SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Ritesh Arora, declare as follows:

1. I am over 18 years of age and not a party to this action. I have personal knowledge of the facts set forth herein unless otherwise indicated, and if called to testify, I could and would testify competently thereto.

2. I am a co-founder and the Chief Executive Officer of BrowserStack Software Pvt. Ltd. since BrowserStack's founding in 2011.

3. On March 1, 2024, after I learned of Plaintiff Deque System, Inc.'s ("Deque's") filing of a lawsuit against BrowserStack Software Pvt. Ltd. and BrowserStack, Inc., I reached out via email to Preeti Kumar, CEO of Deque to see if we could discuss a potential resolution of the lawsuit. My sole purpose in communicating with Ms. Kumar was to explore settlement negotiations with Deque.

4. In my initial March 1, 2024 email to Ms. Kumar—with the subject line "BrowserStack<>Deque | Exploring Collaborative Resolution"—I reassured Ms. Kumar that BrowserStack "prioritizes ethical practices, values innovation, and upholds original work" and that "I am unwavering in my commitment to uphold these value." I then requested an opportunity to meet with her "to explore the possibility of a constructive resolution," labeling my request a "[p]rivileged and confidential settlement discussion." I understand that Deque produced an email chain with my March 1, 2024 email to Ms. Kumar in this lawsuit as DEQUE009600 through DEQUE009602, a copy of which is attached to this Declaration as **Exhibit 1**. I have reviewed Exhibit 1 and can confirm that Exhibit 1 is a true and correct copy of an email chain that includes my March 1, 2024 email to Ms. Kumar, inviting her to engage in settlement discussions.

5. On March 6, 2024, I followed up with Ms. Kumar via email, explaining that I was interested in meeting with her to “reassure [her] of our ethos and culture that values innovation and original work” and to coordinate an in-person settlement meeting during my trip to the East Coast. I once again labeled my communication to Ms. Kumar as a “[p]rivileged and confidential settlement discussion.” A true and correct copy of my March 6, 2024 email to Ms. Kumar is in the email chain attached as Exhibit 1.

6. As further reflected in Exhibit 1, and as a result of and in follow-up to the email exchange, Ms. Kumar and I met in-person for lunch in Washington, D.C. on March 14, 2024 to discuss a potential resolution of Deque’s claims. The purpose of the lunch meeting was to have discussions in the hopes of settling Deque’s lawsuit against BrowserStack. All statements I made during my discussions with Ms. Kumar at the March 14 meeting were made during and in the context of negotiations to resolve this lawsuit. This settlement lunch meeting was the only time that I met with or had any discussions with Ms. Kumar.

7. I understand that Deque claims that in the March 14, 2024 settlement meeting I told Ms. Kumar that BrowserStack “copied the code” and that I “apologized for copying the code”; that BrowserStack “was wrong for copying the code”; and that “it was common practice in the software industry to get inspiration from other software . . . and copy[.]” I did not make any of these statements to Ms. Kumar during our March 14, 2024 meeting or at any other time. Any claim that I admitted to copying Deque’s code is unequivocally false and completely mischaracterize the settlement conversation I had with Ms. Kumar during our March 14, 2024 meeting.

8. BrowserStack always has denied, and continues to deny to this day, Deque’s asserted claims and any and all liability in this lawsuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of December 2024 in Mumbai, India.

By: Ritesh Arora

Ritesh Arora

Signature: Ritesh Arora  
Ritesh Arora (Dec 4, 2024 21:51 GMT+5.5)

Email: [ritesh@browserstack.com](mailto:ritesh@browserstack.com)